
SUBSTITUTE SENATE BILL 6661

State of Washington

60th Legislature

2008 Regular Session

By Senate Human Services & Corrections (originally sponsored by Senators Franklin, Hargrove, Regala, Brandland, McDermott, Kohl-Welles, McAuliffe, Kline, and Rasmussen)

READ FIRST TIME 02/08/08.

1 AN ACT Relating to child care licensing actions; amending RCW
2 43.215.215; adding a new section to chapter 43.215 RCW; creating a new
3 section; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 43.215.215 and 2007 c 415 s 5 are each amended to read
6 as follows:

7 (1) In determining whether an individual is of appropriate
8 character, suitability, and competence to obtain a license to provide
9 child care and early learning services to children, be employed with an
10 agency, or have access to children in the care of an agency:

11 The department may consider the history of past involvement of
12 child protective services or law enforcement agencies with the
13 individual for the purpose of establishing a pattern of conduct,
14 behavior, or inaction with regard to the health, safety, or welfare of
15 a child. No report of child abuse or neglect that has been destroyed
16 or expunged under RCW 26.44.031 may be used for such purposes. No
17 unfounded or inconclusive allegation of child abuse or neglect as
18 defined in RCW 26.44.020 may be disclosed to a provider licensed under
19 this chapter.

1 (2) (~~In order to determine the suitability of applicants for an~~
2 ~~agency license, licensees, their employees, and other persons who have~~
3 ~~unsupervised access to children in care, and who have~~) The department
4 may consider the facts and circumstances of a previous licensing
5 enforcement action taken by the department under this chapter, provided
6 that the licensing action may not automatically disqualify the
7 individual from obtaining a license, employment, or access. It is the
8 burden of the department to show that the facts and circumstances of
9 the licensing enforcement action are grounds for disqualification of
10 the individual's current application.

11 (3) If an individual has not resided in the state of Washington
12 during the three-year period before being authorized to care for
13 children, the department shall (~~be fingerprinted~~) conduct a criminal
14 history records check with the federal bureau of investigation.

15 (a) The individual's fingerprints shall be forwarded to the
16 Washington state patrol and federal bureau of investigation for a
17 criminal history record check.

18 (b) The fingerprint criminal history record checks shall be at the
19 expense of the licensee. The licensee may not pass this cost on to the
20 employee or prospective employee, unless the employee is determined to
21 be unsuitable due to his or her criminal history record.

22 (c) The director shall use the information solely for the purpose
23 of determining eligibility for a license and for determining the
24 character, suitability, and competence of those persons or agencies,
25 excluding parents, not required to be licensed who are authorized to
26 care for children.

27 (d) Criminal justice agencies shall provide the director such
28 information as they may have and that the director may require for such
29 purpose.

30 NEW SECTION. Sec. 2. A new section is added to chapter 43.215 RCW
31 to read as follows:

32 If an individual prevails against the department in a judicial
33 review of a licensing enforcement action as allowed by chapter 34.05
34 RCW and the court determines that the department's action was arbitrary
35 and capricious, the individual shall be awarded all costs, including
36 reasonable attorneys' fees, incurred in connection with such legal
37 action. In addition, it shall be within the discretion of the court to

1 award such individual an amount not less than five dollars and not to
2 exceed one hundred dollars for each day that he or she was denied a
3 license.

4 NEW SECTION. **Sec. 3.** (1) The department of early learning and the
5 early learning advisory council shall jointly report to the governor
6 and the appropriate committees of the legislature regarding the
7 implementation of current activities to improve the quality and safety
8 of child care licensed pursuant to chapter 43.215 RCW.

9 (2) The joint report shall report on the status and progress of the
10 department's and the early learning advisory council's work in the
11 following areas:

12 (a) An implementation plan for Washington's quality rating and
13 improvement system created pursuant to RCW 43.215.100. Prior to
14 implementing the quality rating and improvement system, the department
15 of early learning shall present the system to the legislature and the
16 legislature shall formally approve the implementation of the system
17 through the omnibus appropriations act or by statute or concurrent
18 resolution;

19 (b) The implementation of the state training and registry system;

20 (c) The implementation of practices to enhance outreach and
21 education to consumers and the general public regarding: The
22 department's toll-free number established under RCW 43.215.520; the
23 department's web site regarding child care licensing and enforcement
24 actions as provided in RCW 43.215.525, 43.215.530 and 43.215.370; and
25 any other items related to parent and consumer access to accurate
26 information about child care;

27 (d) Efforts concerning public education regarding unlicensed child
28 care;

29 (e) The results of negotiated rule making for family child care
30 licensees as provided in RCW 43.215.350 and, if applicable, negotiated
31 rule making for child day care centers;

32 (f) If applicable, any evaluation of the roles and responsibilities
33 of the child care resource and referral network in providing
34 information to assist parents in making informed child care decisions;
35 and

36 (g) If applicable, efforts regarding the establishment of statewide

1 standards for licensed child care provider preservice and continuing
2 training and education.

3 (3) The preliminary joint report shall be provided to the
4 governor's office and the appropriate committees of the legislature by
5 December 1, 2008, with a final report presented by June 30, 2009.

6 (4) This section expires July 1, 2009.

--- END ---